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DEPARTMENT OF COMMERCE  
OFFICE OF SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of  
Streamlining the Commission's Antenna  
Structure Clearance Procedure

and

Revision of Part 17 of the Commission's  
Rules Concerning Construction, Marking,  
and Lighting of Antenna Structures

WT Docket No. 95-5

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of Sprint Cellular, the United and Central Telephone companies, and Sprint Communications Company, L.P., hereby respectfully files comments in the above captioned Notice of Proposed Rulemaking ("NPRM").<sup>1</sup> The NPRM proposes to streamline the Commission's antenna structure clearance process, in favor of a uniform registration process for structure owners; to revise Part 17 of the Commission's rules, making it consistent with updated FAA recommendations; and to revise applicable sections of its rules, assigning to structure owners primary responsibility for compliance with painting and lighting requirements. Sprint endorses these proposals, since they promote safety, efficiency and economy.

1. See, FCC 95-16, released January 20, 1995.

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## **I. DISCUSSION**

### **A. ANTENNA STRUCTURE REGISTRATION**

Sprint supports the concept of placing primary compliance responsibility on the antenna structure owner. Giving one entity ultimate authority for registration, maintenance of marking and lighting, and notification of all changes including dismantlement, will eliminate unnecessary duplicative and possibly inconsistent filings. A single registration number for each antenna structure will facilitate coordination among owners and tenants, and will provide a convenient cross-checking mechanism for the Commission.

Implementation. Of the three proposed registration alternatives, Sprint believes that geographic implementation, using the nine FAA regions, would be simplest to administer and require the least time. Further, this would simplify the registration process for owners whose antenna structures are geographically concentrated. Registration by structure height would be difficult to administer. Finally, registration according to renewal date could prove confusing due to the presence of multiple tenants on a structure. Sprint can adapt to any method the Commission selects, however, and asserts that timely implementation, in five years or less, is most important.

Effect on Cellular. The NPRM asks for comments regarding the effects of the proposal on cellular systems, since cellular authorizations that are issued after January 1, 1995, depict only

external cell sites that make up the outer contours of the cellular system, and not interior antenna sites, while the NPRM proposes requiring a separate registration for all structures that require FAA notification, regardless of where they are located in the system.

Sprint does not believe that the inconsistency between the content of cellular authorizations and the proposed registration obligation on structure owners should be of concern. Cellular companies, as licensees, are already required to file a request for antenna clearance and obstruction marking and lighting specifications (current Form 854) for every structure that requires FAA notification, irrespective of its location in the cellular system.<sup>2</sup>

**Voluntary Lighting and Marking.** The NPRM also asks for comments on the advantages or disadvantages of requiring registration of structures whose owners voluntarily light and mark them, absent such recommendations from the Commission or FAA. Sprint believes that all towers painted and marked, whether in response to agency recommendation or by voluntary action, should be registered, in the interest of a complete and accurate data base and the promotion of air safety.

**Data Base/Access.** Sprint believes that the data base should include all information required on the Form 854. We recommend that the Commission create a template on disk or online for review and possible entry by the registrant, in line with the

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2. See, CFR 47 22.143(d)(4).

program provided for regulatory fee registration last year. If all registrants had the ability to input their own information, administration time would be reduced and accuracy of the data base would be assured. Sprint believes, however, that for those registrants who choose, paper registration should remain an option.

Expansion of Data Base. The NPRM also seeks comments on the advisability of extending the registration requirement beyond structures that require FAA notification, to include either all antenna structures, or, alternatively, all higher powered stations. While Sprint believes that there is benefit to having as much information as possible in the data base, this may impose a significant burden on certain segments of the industry. An alternative to extending the requirement immediately may be to consider it at a future date after implementation of the current proposal is complete.

Degree of Accuracy. In addition, the NPRM seeks comments on requiring owners to specify structure location to the nearest second and height to the nearest meter. Although this can be a very costly process, especially if a full field study is needed to obtain the accuracy, Sprint believes it is justified. Sprint Cellular, which owns over 900 antenna structures, strives to provide this level of detail.

It bears mention that the FAA has begun to use geographic coordinates based on the 1983 North American Datum (NAD83), while the Commission still uses coordinates based on the 1927 North

American Datum (NAD27). The instant proceeding is a laudable endeavor to promote coordination between the two agencies in behalf of antenna structure owners, licensees and the public; Sprint would endorse future efforts to further synchronize the efforts of the FAA and the Commission, such as in the area of geographic coordinates.

**Registration Fee/Renewal.** In Sprint's judgment, registration renewal will not be necessary if owners update their filings as changes are made; a one-time registration should therefore be sufficient. Sprint also maintains that antenna structure owners should not be required to remit a registration fee. While it cannot be denied that the government will incur costs in implementing the registration process, it is also a fact that compliance with registration requirements will, as discussed above, impose certain costs on industry -- the same industry that already remits substantial amounts for FCC filing fees, for regulatory fees (approximately \$2 million for Sprint in FY 1995), for license application and renewal fees, and, last but not least, for licenses that have been and will be awarded by competitive bidding.

**Notice Requirement.** Finally, the NPRM asks what form of notice, prior to a forfeiture penalty, is reasonable to inform owners of their obligation to register, paint and light their structures. Sprint recommends notification by public notice as well as by letters to owners. Structure owners who are not also

licensees should not be expected to keep abreast of Commission notices.

#### **B. PART 17 UPDATE**

The NPRM proposes amending Part 17 of its rules, by incorporating by reference the recommendations of the August 1991 and July 1988 FAA Advisory Circulars, and to initiate a notice and comment proceeding to incorporate any future substantive amendments to either of these Advisory Circulars. Sprint supports the Commission's proposal; we believe it is an efficient and economical method of ensuring consistency in the application of requirements.

Because of differences between the current FAA Advisory Circulars and Part 17, the NPRM proposes grandfathering the present painting and lighting requirements of existing structures for ten years. Since Sprint already lights and marks its structures in accordance with FAA recommendations, the absence of a grandfather clause would not affect us. Further, in the interest of air safety, Sprint believes that all structure owners should be brought into compliance with FAA recommendations as soon as it is economically feasible, certainly in less than ten years' time.

#### **C. NEW REQUIREMENTS FOR ANTENNA STRUCTURE OWNERS**

Joint Responsibility. While making structure owners primarily responsible for complying with painting and lighting requirements, the NPRM proposes requiring tenant licensees to

implement the requirements in cases where reliance on the structure owner proves ineffective. Sprint respectfully suggests that this could create an untenable situation, since lease agreements frequently prohibit such activity on the part of lessees. A tenant licensee's compliance with Commission directive could therefore put it in direct violation of the terms of its lease. Sprint appreciates the necessity for complete lighting and marking compliance; nevertheless, the Commission needs to address the conflicting requirements that may be placed on tenant licensees, unless and until prohibitive leases can be amended.

**Voluntary Lighting.** As discussed above, Sprint believes that any entity that voluntarily paints and/or lights a structure should be subject to the registration requirement. We also agree with the Commission's intent to require such owners to follow the lighting installation and maintenance specifications set forth in Part 17. While such owners could discontinue lighting at any time, Sprint recommends that the Commission require the owner to report the change, in the interest of safety and accuracy.

## **II. CONCLUSION**

Sprint supports the Commission's proposal to streamline its antenna structure clearance procedure, and to revise its rules to incorporate the FAA's marking and lighting

recommendations. Sprint believes that the Commission's effort advances the goals of efficiency, economy, and especially air safety.

Respectfully submitted,

SPRINT CORPORATION

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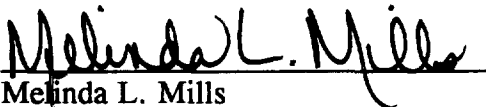
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March 21, 1995



## CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 21st day of March, 1995, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Comments of Sprint Corporation" in the Matter of Streamlining the Commission's Antenna Structure Clearance Procedure and Revision of Part 17 of the Commission's Rules Concerning Construction, Marking, and Lighting of Antenna Structure, WT Docket No. 95-5 filed this date with the Acting Secretary, Federal Communications Commission, to the persons on the attached service list.

  
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